

1 UNITED STATES DISTRICT COURT
2 DISTRICT OF NEVADA

3 MATTHEW J. KING,

4 Plaintiff

Case No. 3:19-cv-00149-MMD-CBC

ORDER

5 v.

6 MICHAEL MINEV et al.,

7 Defendants

8
9 I. DISCUSSION

10 Plaintiff, who is a prisoner in the custody of the Nevada Department of Corrections
11 ("NDOC"), has filed an application to proceed *in forma pauperis* and an emergency
12 motion. (ECF Nos. 1, 1-1).

13 Plaintiff has not filed a complaint in this matter. Under Federal Rule of Civil
14 Procedure 3, "[a] civil action is commenced by filing a complaint with the court." Fed. R.
15 Civ. P. 3. As such, the Court grants Plaintiff thirty (30) days from the date of this order
16 to submit a complaint to this Court.

17 Plaintiff's application to proceed *in forma pauperis* is incomplete. Pursuant to 28
18 U.S.C. § 1915(a)(2) and Local Rule LSR 1-2, Plaintiff must complete an application to
19 proceed *in forma pauperis* on this Court's approved form and attach both an inmate
20 account statement for the past six months and a properly executed financial certificate.
21 Plaintiff has not submitted an application to proceed *in forma pauperis* on this Court's
22 approved form.¹ (See ECF No. 1). Plaintiff will be granted an opportunity to cure the
23 deficiencies of his application to proceed *in forma pauperis*, or in the alternative, pay the
24 full filing fee for this action.

25 The Court will not address the emergency motion (ECF No. 1-1) until the matter of
26 the filing fee and complaint are resolved.

27
28 ¹ Plaintiff has submitted a properly executed financial certificate and an inmate
account statement. (ECF No. 1 at 7-14).

For the foregoing reasons, IT IS ORDERED that the Clerk of the Court WILL SEND Plaintiff the approved form application to proceed *in forma pauperis* by a prisoner, as well as the document entitled information and instructions for filing an *in forma pauperis* application.

IT IS FURTHER ORDERED that within thirty (30) days from the date of this order, Plaintiff must either: (1) file a fully complete application to proceed *in forma pauperis* on the correct form in compliance with 28 U.S.C. § 1915(a); or (2) pay the full \$400 fee for filing a civil action (which includes the \$350 filing fee and the \$50 administrative fee).

IT IS FURTHER ORDERED that Plaintiff will submit a complaint to this Court within thirty (30) days from the date of this order.

IT IS FURTHER ORDERED that the Clerk of the Court will send to Plaintiff the approved form for filing a 42 U.S.C. § 1983 complaint and instructions for the same. The Clerk of the Court will also send Plaintiff a copy of his emergency motion (ECF No. 1-1).

IT IS FURTHER ORDERED that if Plaintiff does not timely comply with this order, dismissal of this action may result.

DATED THIS 19th day of March 2019.

Sam
UNITED STATES MAGISTRATE JUDGE